

2007 SEP -6 PM 4: 32

Serial No.: 10/708,625  
Filed: March 16, 2004  
Customer No.: 23456

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James R. Moore  
Serial No.: 10/708,625  
Filed: March 16, 2004  
For: Aerating Decanter with Dispensing Valve  
Group Art Unit: 1761  
Examiner: Reginald Alexander  
Attorney's Docket No.: N1105  
Customer No.: 23456

REQUEST FOR REFUND

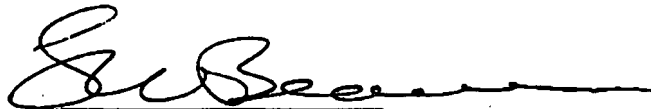
Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached is a copy of a decision on petition dated August 28, 2007 in the above-referenced matter. As indicated in the decision, Applicant is entitled to a refund of \$510.00 in extension of time fees which were previously unnecessarily paid:

Please refund said amount to Deposit Account No. 23-0035.

Respectfully submitted,



Lucian Wayne Beavers  
Registration No. 28,183  
WADDEY & PATTERSON  
A Professional Corporation  
Customer No. 23456

ATTORNEY FOR APPLICANT

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Filed: March 16, 2004

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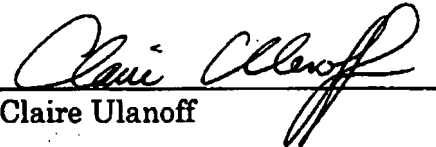
Lucian Wayne Beavers  
Waddey & Patterson, P.C.  
Roundabout Plaza  
1600 Division Street, Suite 500  
Nashville, TN 37203  
(615) 242-2400

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this Request for Refund and copy of Decision on Petition in Application Serial No.10/708,625 having a filing date of March 16, 2004, are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

on 8-31-07

  
\_\_\_\_\_  
Claire Ulanoff

8-31-07  
\_\_\_\_\_  
Date



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OFFICE OF PETITIONS

WADDEY & PATTERSON, P.C.  
1600 DIVISION STREET, SUITE 500  
NASHVILLE, TN 37203

LW3

In re Application of  
James R. Moore  
Application No. 10/708,625  
Filed: March 16, 2004  
Attorney Docket No. N1105

ON PETITION

This is a decision in response to the petition, filed April 9, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed September 11, 2006. A Notice of Abandonment was mailed on March 29, 2007. In response, on April 9, 2007, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, petitioner is entitled to a refund of the \$510 extension fees included with this petition.

Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The application is being referred to Technology Center AU 1761 for consideration of the amendment filed April 9, 2007.

DOCKET DATE: NA  
ASSIGNED BY: hah  
DOCKETED BY: hah  
DATE: \_\_\_\_\_

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

A handwritten signature in cursive script, appearing to read "Sherry D. Brinkley". The signature is written in dark ink and is positioned above the printed name and title.

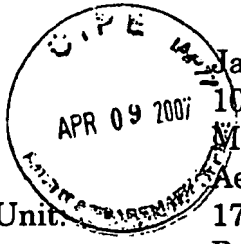
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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AMENDMENT

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The following amendment is submitted in response to the non-Final Office Action dated September 11, 2006.

Applicant is also submitting herewith a PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b). A check including the petition fee of \$750.00 for a small entity is being enclosed herewith.

Applicant also requests a retroactive extension of time to and including March 11, 2007 within which to respond to the Office Action. Applicant's check including the amount of \$510.00 for the three-month extension of time for a small entity is enclosed.

Amendments to the Specification begin on page 3 of this paper.

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Repln. Ref: 09/21/2007 HDESTA1 0013293500  
DAH: 230035 Name/Number: 10708625 \$510.00 CR  
FC: 9204

Adjustment date: 09/21/2007 HDESTA1  
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